

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE 2011 BMW 535XI, VEHICLE
IDENTIFICATION NUMBER:
WBAFU7C56BDU55104,

Defendant in rem.

Civil No.: 15-6127 (KSH) (CLW)

**DEFAULT JUDGMENT AND
FINAL ORDER OF
FORFEITURE**

WHEREAS, on or about March 14, 2014, the U.S. Drug Enforcement Administration (“DEA”) seized one 2011 BMW 535XI, Vehicle Identification Number WBAFU7C56BDU55104 (the “defendant property”), from Gioribe Feliz;

WHEREAS, on or about August 11, 2015, the United States commenced a civil action for the forfeiture of the defendant property by filing a Verified Complaint for Forfeiture *In Rem* (the “Verified Complaint”);

WHEREAS, the Verified Complaint alleges that the defendant property is subject to forfeiture to the United States pursuant to the following statutes: (i) 21 U.S.C. § 881(a)(4), as a vehicle, which was used, or was intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance or a listed chemical in violation of 21 U.S.C. § 801, *et seq.*; and (ii) 21 U.S.C. § 881(a)(6), as proceeds traceable to an exchange in violation of 21 U.S.C. § 801, *et seq.*;

WHEREAS, on or about August 26, 2015, the United States filed with this Court a Notice of Verified Complaint for Forfeiture *In Rem* (“Notice of Complaint”);

WHEREAS, the Notice of Complaint stated that any person who wished to contest the forfeiture and assert an interest in defendant property was required to file a verified claim with

the Clerk of the Court within thirty-five (35) days after the date the Notice of Complaint was sent, or within thirty-five (35) days from the date of delivery if the Notice of Complaint was personally served;

WHEREAS, the Notice of Complaint detailed the necessary procedures for filing a claim and an answer;

WHEREAS, on or about August 26, 2015, the United States sent copies of the Verified Complaint and the Notice of Complaint by certified mail and regular U.S. Postal mail to all of Gioribe Feliz's last known addresses, specifically: (i) 1055 River Road, Apt. 213, Edgewater, New Jersey, 07020; 164 Chestnut Street, Englewood Cliffs, New Jersey, 07632; (iii) 1750 Taylor Ave, Apt. 2R, Bronx, New York, 10460; and (iv) 1741 Taylor Ave, 1st Floor, Bronx, New York, 10460;

WHEREAS, on or about August 26, 2015, the United States sent copies of the Verified Complaint and the Notice of Complaint by certified mail to attorney, Glenn A. Garber, who filed an administrative claim to the defendant property with the DEA on behalf of Gioribe Feliz;

WHEREAS, on or about September 1, 2015, the Verified Complaint and the Notice of Complaint were delivered to Glenn A. Garber's office, which is located at 233 Broadway, Suite 2370, New York, New York, 10279;

WHEREAS, the United States posted notice of this forfeiture action on an official government internet site, <http://www.forfeiture.gov>, beginning on August 27, 2015, and running for thirty consecutive days, through September 25, 2015, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure (the "Supplemental Rules");

WHEREAS, no claims or answers were filed or made in this action, no other parties

have appeared to contest the action to date, and the statutory time periods in which to do so have expired;

IT IS on this 27th day of January, 2016, hereby,


ORDERED that a Default Judgment is entered against the defendant property, namely one 2011 BMW 535XI, Vehicle Identification Number WBAFU7C56BDU55104; and it is further

ORDERED that all right, title and interest in the defendant property is hereby forfeited to the United States of America for disposition according to the law; and it is further

ORDERED that Final Order of Forfeiture as to the defendant property is hereby entered accordingly; and it is further

ORDERED that any income derived as a result of the United States Department of the Justice's management of the defendant property, after the payment of costs and expenses incurred in connection with the forfeiture and disposition of the defendant property, shall be deposited forthwith into the United States Department of Justice Assets Forfeiture Fund, in accordance with all applicable laws; and it is further

ORDERED that the Clerk shall send copies to all counsel of record.


KATHARINE S. HAYDEN, U.S.D.J.